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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,537	08/29/2001	Jong Chen	67,200-477	4317

7590 04/06/2004

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

Application No.

09/941,537

Applicant(s)

CHEN ET AL.

Examiner

John Ruggles

Art Unit

1756

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--


The Appeal Brief filed on 11 February 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☒ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☒ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet

  
MARK F. HUFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

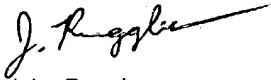
  
John Ruggles  
Examiner  
Art Unit 1756

Continuation of 9. Other (including any explanation in support of the above items):

Items 1 and 6(a)-(b): While stating "The claims 1, 2, 10, 11, 18, and 20 do not stand or fall together." in section (7) under the title "Grouping of Claims" at the top of page 5 in their Appeal Brief, Appellants do not properly group all remaining finally rejected claims (claims 3, 7-8, 13-15, 17, 19, 21-24, and 26 have not been represented in this grouping section at all, even though they also stand as finally rejected). Furthermore, Appellants argue all the finally rejected claims (claims 1-3, 7-8, 10-11, 13-15, 17-24, and 26) together as a single group, thus inferring that they must all stand or fall together -- contrary to the above statement found in section (7). Appellants are reminded that 37 CFR 1.129(c) requires grouping of all claims under appeal and that each separate grouping of claims must be separately addressed in the argument section, along with reasons why each of the claims in a group are believed to be SEPARATELY patentable (not just pointing out the differences in these claims).

Item 8: The version of claims found in the Appendix presumes entry of amendment(s) after final rejection by listing claims 25-26 as cancelled, when such amendment(s) have not, in fact, been entered. A separate Advisory Action addresses the proposed amendments filed on 15 December 2003 and 11 February 2004. The period for reply to this Advisory Action is the same as that set forth in this notification (in response to the defective appeal brief filed on 11 February 2004). A joint response to these two Office actions is expected.

Appellants must file an amended appeal brief in triplicate (only two copies of the defective appeal brief were filed on 11 February 2004) within the required response period that overcomes all the reasons for non-compliance set forth in this notification, in order to avoid dismissal of this appeal.



John Ruggles  
Examiner  
Art Unit 1756